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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,850	01/25/2002	William J. Schulz	31890/1628	1580
27433	7590	12/21/2005	EXAMINER	
FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			GOODMAN, CHARLES	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/057,850

Applicant(s)

SCHULZ, WILLIAM J.

Examiner

Charles Goodman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. In view of the Brief filed on June 13, 2003, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Allan Shoap, SPE 3724.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-9, 11-15, 17, 19-21, and 23-24<sup>1</sup> rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al (US 5,802,942) in view of Takacs (US 3,108,349).

Cornell et al discloses the invention substantially as claimed except for the slot having a first width that is wider than a second width. Previously, the differing widths have been read on in the vertical direction with respect to a cross sectional view of Cornell et al's device. Note e.g. Fig. 5. However, Takacs teaches an apparatus for cutting sheets comprising, inter alia, a slot (e.g. 43, 45) having a first width (at 45 at the ends of the slot) that is larger than the second width (at 43) for guiding the carrier (17). Note Figs. 1-5, c. 4, ll. 46-51. Takacs teachings seem to suggest that such a configuration allows for the benefit of self-alignment of the cutting means or carrier. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the device of Cornell et al with the first width larger than the second width as taught and suggested by Takacs in order to facilitate self-alignment of the carrier in preparation for the cutting operation.

Based upon the modification above, it is believed that the "impeded" and "removed" limitation would be met due to the fact that this functionality is a direct result of the same.

4. Claims 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornell et al (US 5,802,942) in view of Takacs (US 3,108,349) as applied to claims 1-9, 11-15, 17, 19-21 and 23-24 above, and further in view of Judd et al (US 4,967,628).

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<sup>1</sup> It is noted that claim 10, which was included in the Final Office Action, is not mentioned here. The record is clear, especially from the Applicant's explanation in the Brief, that claim 10 was never included in the application as originally filed.

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The modified device of Cornell et al discloses the invention substantially as claimed except for a measuring instrument rotatably coupled to the base. However, Judd et al clearly teaches a measuring instrument (24) rotatably coupled to the base (12) of a trimmer device for the purpose of providing an enhanced support for the work to be cut. See Figs. 1-3, c. 3, ll. 28-43. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified device of Cornell et al with the rotatably coupled measuring instrument as taught by Judd et al in order to facilitate enhanced support for the desired dimension of work to be cut.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-9, 11-17, and 19-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


6. Ifkovits et al, Miller, Urion, Schwartz, and Abbott, Jr. are cited as additional pertinent art.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (571) 273-8300.

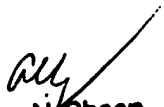
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

cg   
December 11, 2005

CHARLES GOODMAN  
PRIMARY EXAMINER

  
**Allan N. Shoap**  
**Supervisory Patent Examiner**  
**Group 3700**